

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

November 05, 2014

MOTOR CARRIER MATTER

☐

DOCKET NO.

2014-392-E

UTILITIES MATTER

☒

ORDER NO.

2014-925

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2014-392-E - Sara Patricia Ann Sizemore, Complainant v. Duke Energy,
Respondent - Discuss with the Commission Duke Energy Carolinas, LLC's Motion to Dismiss.

COMMISSION ACTION:

Ms. Sizemore has filed a complaint against Duke Energy alleging that the utility caused the loss of 18 cypress trees at her residence. She seeks an order from the Commission requiring Duke to compensate her for the value of the trees and to erect a privacy fence on her property. Duke has filed a Motion to Dismiss which provides verified testimony which attributes the tree damage to disease pressure.

Ms. Sizemore filed a Response to Duke's Motion to Dismiss. Her Response is correct in that the Commission has jurisdiction to supervise and regulate the service of public utilities. However, her Response did not provide evidence of violation of any law which the Commission has jurisdiction to administer, or of any order or rule of the Commission. This Commission's jurisdiction is limited. The PSC is not authorized to award damages for alleged instances of negligence. Ms. Sizemore's complaint would be more appropriately brought in the Magistrate's Court or the Court of Common Pleas, where she will have the opportunity to provide evidence of proximate cause in a venue where she may recover such losses as she can prove are attributable to Duke's activities.

Because the Commission cannot grant to Ms. Sizemore the relief she requests, I move that we dismiss her complaint and cancel the hearing. The dismissal of her complaint before this Commission does not prejudice her ability to seek relief in a court of general jurisdiction.

PRESIDING: HallSESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

RANDALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(SEAL)

RECORDED BY: J. Schmieding

